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5 **Stratham Planning Board**
6 **Meeting Minutes**
7 **April 6, 2016**
8 **Municipal Center, Selectmen's Meeting Room**
9 10 Bunker Hill Avenue
10 Time: 7:00 PM
11

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13 Members Present: Mike Houghton, Chairman
14 David Canada, Selectmen's Representative
15 Jameson Paine, Member
16 Tom House, Member
17 Lee Paladino, Alternate
18
19 Members Absent: Bob Baskerville, Vice Chairman
20 Nancy Ober, Alternate
21
22 Staff Present: Tavis Austin, Town Planner
23

24 **1. Call to Order/Roll Call**

25 The Chairman took roll call and asked Ms. Paladino to be a voting member. Ms. Paladino
26 agreed.

27 **2. Review/Approval of Meeting Minutes**

28 **a. March 16, 2016**

29 Mr. House made a motion to accept the March 16, 2016 meeting minutes. Motion
30 seconded by Mr. Canada. Motion carried unanimously.

31 **2. Public Hearing**

32 **a. John Reiss, 16 Emery Lane, Stratham, NH, Tax Map 13 Lot 37.** Minor Subdivision;
33 dividing the property into 2 lots. (*Continued from February 20, 2016*).

34 Mr. Bruce Scamman, representing the applicant introduced himself. He explained that
35 they now had all the relevant State approvals and that there were 4 outstanding waiver
36 requests which are for the following; the right of way width, the pavement width, road
37 section width as they are proposing as a typical section, versus individual sections and
38 the lot width.

39 Mr. Paine confirmed that the road would be private and be maintained in the winter time.
40 Mr. Scamman said that would be the case. Mr. Houghton asked if Mr. Scamman had
41 checked about the hammerhead and turn around area for emergency vehicles. Mr.
42 Scamman said they met with the Fire Chief and he was happy with the newer design.

1 Mr. Houghton asked about the width of the roadway. Mr. Scamman said it starts at 24'
2 and tapers down to 18' down to the turnaround where there are 12' driveways.

3 Mr. House asked if there was enough room for 2 drivers to pass half way up the driveway.
4 Mr. Scamman said that 18' was enough room for drivers to pull over to one side and
5 room to push snow off.

6 Mr. Paine asked if the D.O.T. had placed any conditions on the permit. Mr. Scamman
7 said they did want to make sure that tractor trailers could get in and out of the driveway
8 which they proved. The D.O.T. were concerned initially with the curbs not being in front
9 of the right of way and have asked that the curb stays within the right of way instead.
10 Mr. Scamman indicated on the plan that they had done that. Mr. Paine asked if the front
11 lot will have written access to that road. Mr. Scamman said it would.

12 Mr. Paine asked about landscaping that would assist the adjacent property owners. Mr.
13 Scamman said they are putting in a proposed 20' no cut buffer on lot 135.

14 The Board addressed the requested waivers.

15 Mr. House asked Mr. Scamman to clarify the status of the road. Mr. Scamman said that
16 technically it is a private road that will serve as a shared driveway. Mr. Austin added but
17 not as a public street.

18 Mr. Paine made a motion to accept the waiver to reduce the width of the right of way to
19 50' in the 150' section in accordance with Subdivision regulations, Addendum A Table
20 1. Motion seconded by Mr. House who stated it is really grandfathered anyway. Motion
21 carried unanimously.

22 Mr. Paine made a motion to allow for the waiver to reduce the width from 24' to 18'
23 especially as it's only serving 2 residential lots, in accordance with Subdivision
24 regulations, Addendum A, Table 1. Motion seconded by Mr. House. Motion carried
25 unanimously.

26 Mr. Paine made a motion to approve the waiver to the Subdivision regulations,
27 Addendum A.2.a.iii which requires road cross sections every 50'; in this case 3 typical
28 sections on the plan should suffice for this type of project. Motion seconded by Mr.
29 House who stated there are only 2 houses back there. Motion carried unanimously.

30 Mr. Paine made a motion to allow for the waiver to Section 4.4.1.b.iv to allow for the
31 minimum lot width due to the scale of the project and the limited use of the lots. Motion
32 seconded by Mr. House. Motion carried unanimously.

33 Mr. House made a motion to close the public hearing. Motion seconded by Mr. Paine.
34 Motion carried unanimously.

35 Mr. House made a motion to approve the application for John Reiss of 16 Emery Lane,
36 Stratham, NH, Tax Map 13 Lot 37 minor subdivision dividing the property into 2 lots.
37 Motion seconded by Mr. Paine. Motion carried unanimously.

38

39 **3. Public Meeting(s)**

1 **a. Joseph Massidda, 8 Oxbow Farm Road, Stratham, NH, Tax Map 8, Lot 22.**
2 Preliminary Consultation for minor subdivision.

3 Mr. Bruce Scamman introduced himself as representative for Mr. Massidda. He
4 explained that this lot is at the end of Oxbow Lane and is approximately 13 acres in size.
5 Mr. Massidda would like to subdivide a single lot off of that. He would like feedback on
6 2 things in particular from the Board. One is extending the right of way with the amount
7 of frontage required for these 2 lots; the current frontage is 150' and the lots in this
8 subdivision are all of varying widths, some as small as 75'. They are trying to come in
9 under the pork chop lot which requires only 50' of frontage on an adjacent lot. They are
10 adding enough frontage so there is 200' on the original lot. There is already a 60' right
11 of way so it makes sense to keep it as such.

12 The other thing is looking at a shared driveway or if the Board would prefer a single
13 driveway. A pork chop lot does require 3 acres which is shown on the plan. The lot goes
14 back to the river, but they haven't delineated the high tide line yet. Mr. Houghton asked
15 if 3 acres would be the minimum. Mr. Scamman said that was the case.

16 Mr. Canada asked for another explanation of the application. Mr. Scamman talked
17 through the requirements for a pork chop lot. He said the other alternative would be to
18 go for a variance for not having the required frontage. Mr. Canada asked about whether
19 a variance is needed or not. Mr. Austin explained that conceptually a variance isn't
20 needed because of the Oxbow extension. Mr. Paine said he didn't think it was good to
21 put somebody's driveway onto a public right of way.

22 Mr. Massidda said his desire would be to use the driveway as a joint driveway like his
23 neighbors do. Mr. Paine asked if it was possible to show where the adjacent property is
24 located. Mr. Scamman showed an aerial photograph.

25 Dr. Richard Miller, direct abutter to the project said his concern is that there are wetlands
26 where they would like to build the house. He reached out to a wetland expert who said
27 from the information he had given her, it sounded to her like an unusable lot for a house.
28 Dr. Miller said it might be smart to get the soil work done first before discussing variances
29 or planning board approvals.

30 Mr. Massidda agreed that the location Dr. Miller was referring to was a wet spot, but
31 only when it rains. There is an expense attached to doing the wetland survey so he would
32 appreciate feedback from the Board first before he spends more money. He has spoken
33 with Dr. Miller as he wants to be a good neighbor.

34 Mr. Houghton said his view considering how it is configured and where it sits, he'd be
35 inclined to work towards a reasonable solution. Mr. Scamman said does that mean the
36 Board prefers not to use the right of way and try to go for a variance or to come off the
37 existing driveway and use a shared driveway. Mr. Scamman said he has shared with Mr.
38 Massidda that in the past the Board has preferred not to have shared driveways.

39 Mr. House said that looking at the tax map, Dr. Miller already has his driveway coming
40 off of that side of the hammerhead as well so there could be 3 different rows which would
41 be crazy. Mr. Austin said it could be a completely realigned driveway in the right of way
42 that serves all three.

1 Dr. Miller suggested making an allowance for there to be a shared driveway of length to
2 be determined and that way it allows Mr. Massidda to move forward and figure out where
3 he can put a house on the lot without having to worry about anything else. Mr. Austin
4 said he'd be more concerned about accepting the extension of the right of way for the
5 purposes of meeting lot frontage then lot width. Mr. Scamman commented that
6 traditionally pork chop lots have long driveways going to the back of them, whereas that
7 isn't the case with this lot. He asked if the Board feels comfortable with creating an
8 additional right of way so the frontage is met per the zoning ordinance. Mr. Canada said
9 he feels uncomfortable with that, it feels to him like frontage requirements are being
10 thrown out of the window in many applications. He'd feel better if this application went
11 before the Zoning Board of Appeals (ZBA). Mr. Austin said he would support a change
12 to the regulations that lets the Planning Board consider lot frontage and width in the
13 course of a subdivision application. Mr. Houghton supported the suggestion.

14

15 **b. Chris Allen, Group 1 Automotive, LLC, 23 Portsmouth Ave, Stratham, NH, Tax**
16 **Map 4 Lot 13.** Preliminary Consultation; Auto Service Building and Inventory Storage
17 lot.

18 Mr. Houghton informed those present that the preliminary consultation for Group 1
19 Automotive would not be taking place this evening and has been tentatively rescheduled
20 to May 4, 2016.

21

22 Several residents expressed their frustration at the process and felt that it isn't easy to
23 become engaged. Mr. Austin explained that tonight's application was going to be a
24 preliminary consultation which means no abutter notices are necessary unless the
25 applicant requests it. Mr. Austin said he found out only today that the applicant wanted
26 to postpone the application. Mr. Houghton asked Mr. Austin to talk through the
27 processes associated with applications and how staff inform the public of what is going
28 to be on the agenda.

29

30 Mr. Canada asked if there was a way to establish a distribution list and send out an E-
31 blast. Mr. Austin said it's not difficult to put together a list, but observed that an applicant
32 could change its mind and decide they do want to be back on the agenda.

33

34 Mr. Houghton thanked everyone for their feedback and suggested Mr. Austin take that
35 feedback to work on a way to improve communication to residents.

36

37 Mr. Austin asked the Board if they would give him permission to modify or post an
38 agenda upon receipt of written confirmation of a request for a continuance. Mr.
39 Houghton suggested the Board agree and that it should take effect immediately.

40

41 Mr. Paine said with the ecological sensitivity raised by Dr. Miller, a shared driveway
may help to minimize potential environmental impacts in that area.

42

43 Mr. Austin said if the Board is not in favor of the extended right of way, that at least
44 would give the applicant a way to advise his engineer to what work needs to be done post
haste in order to put together a ZBA case before using that information and then some to

1 put together a complete subdivision application. Mr. Houghton said he agrees with Mr.
2 Canada's comments that regulations are in place for a reason so he thinks the appropriate
3 steps would be to go to the ZBA first and then move forward from there.

4 Mr. Scamman summarized that the Board recommend going to the ZBA for a variance
5 so that 150' of frontage can be split up into 2 lots and that a shared driveway is
6 recommended to minimize impact. Mr. Houghton said shared driveways are typically
7 frowned on, but given the environmental concerns, a shared driveway would be the right
8 solution. Mr. Canada said he didn't think it was OK for Mr. Scamman to go to the ZBA
9 and say the Planning Board recommend this. Mr. Canada said that given the 2 choices,
10 the Board is saying one is better than the other, but that is not saying the Board is
11 recommending this project.

12 **4. Miscellaneous**

13 a. Report of Officers/Committees.

14 i. Heritage Commission.

15
16 Mr. Paine mentioned that the Heritage Commission had contacted him for assistance
17 to obtain a L-Chip grant to preserve the Lane property. They have to do a hazardous
18 materials/site assessment as part of that so he is in the process of helping them to get
19 that going.

20 b. Member Comments.

21 Mr. House asked if any project in the Gateway zone had to come before the Technical
22 Review Committee (TRC). Mr. Austin replied that he didn't believe the Zoning
23 Ordinance says that technical review is a mandate. Mr. Canada read directly from the
24 Ordinance that if an applicant doesn't require a conditional use permit, it shall be
25 evaluated for compliance with the Ordinance by the TRC, administratively approved by
26 the Town Planner and processed by the Planning Board. Mr. Canada said the way it is
27 written is a 1, 2, 3 step process.

28 Mr. Austin reminded everybody about the meeting to be held on May 11, 2016 about the
29 future of the Gateway and should it move forward, what that would look like.

30 c. Other.

31 Ms. Marvin, resident of Doe Run Lane asked about the process when an applicant
32 chooses to continue their application, but then changes their mind and wants to be back
33 on the agenda. Mr. Austin said it is the policy of the Planning department that when
34 somebody moves themselves off of the agenda, they will not be put back on that agenda.

35 **5. Adjournment.**

36 Mr. Canada made a motion to adjourn at 8:55 pm. Motion seconded by Mr. House. Motion
37 carried unanimously.